

Filed by James Lee
Administrative Patent Judge
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Paper 1

Filed
28 October 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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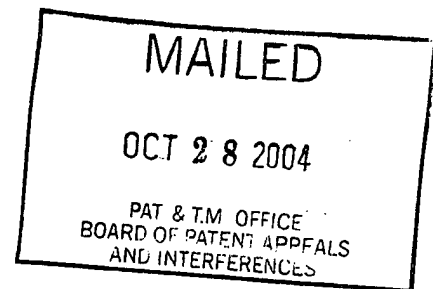
Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

YORAM NELKEN
Junior Party
(Patent 6,408,277),

v.

ERIC HORVITZ
Senior Party
(Application 09/364,527).



Patent Interference No. 105,248

DECLARATION

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Jameson Lee has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:00 p.m. (eastern) on 21 December 2004** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors:	YORAM NELKEN, Jerusalem, Israel
Patent:	6,408,277, granted 18 June 2002, based on application 09/602,588, filed 21 June 2000
Title:	System and method for automatic task prioritization
Assignee:	Banter Limited
Accorded Benefit:	None

Senior Party

Named Inventors: ERIC HORVITZ

Application: 09/364,527, filed 30 July 1999

Title: Method for automatically assigning priorities
to documents and messages

Assignee: Microsoft, Corp.

Accorded Benefit: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Application 09/364,527 claim 36 of Horvitz

or

Patent 6,408,277 claim 1 of Nelken

The claims of the parties are:

Nelken: 1

Horvitz: 36

The claims of the parties which correspond to Count 1 are:

Nelken: 1

Horvitz: 36

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Nelken: none

Horvitz: none

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Jameson Lee)

YORAM NELKEN
Junior Party
(Patent 6,408,277),

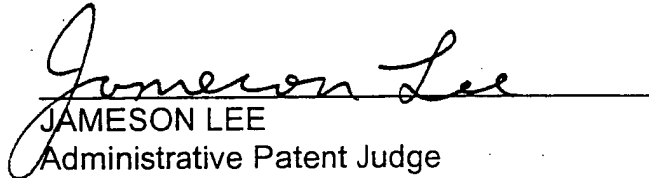
v.

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(Application 09/364,527).

Patent Interference No. 105,248

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.


JAMESON LEE
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Form PTO-850

Copy U.S. Patent 6,408,277

Copy of claim of 09/364,527

Revised September 2004

cc (via overnight delivery):

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